

DOCKET & FILE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHARIF LEE AND CYPRIAN SMITH,

Plaintiff,

-against-

**STIPULATION OF
SETTLEMENT AND ORDER OF
DISMISSAL**

11-CV-4839 (KAM)(RER)

THE CITY OF NEW YORK, POLICE
COMMISSIONER RAYMOND W. KELLY,
DETECTIVE PATRICK SMITH, Shield Number
5453, POLICE OFFICER FREDERIC DAUGHTRY,
Shield Number 25363, POLICE OFFICER ZAHID
MEHMOOD, Shield Number 8879, POLICE
OFFICER MARLON GUTHRIE, Shield Number
16947, DETECTIVE MICHAEL HARDMAN,
Shield Number 7361, POLICE OFFICER
MATTHEW DeGENNARO, Shield Number 6635,
POLICE OFFICER PETER CUNDARI, Shield
Number 2620, POLICE OFFICER MATTHEW
KALIL, Shield Number 22351, DAVID
BETHELMY, SHENELLE BETHELMY, JOAN C.
BETHELMY, JANELL P. BETHELMY, AND
JOHN/JANE DOES #'s 1-6, Individually, who were
involved in the incident resulting in Plaintiffs' false
arrest and/or injuries,

Defendants.

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WHEREAS, the parties have reached a settlement agreement and now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, on May 23, 2012, plaintiffs stipulated on the record that they withdraw all claims against defendant JOAN C. BETHELEMY with prejudice;

WHEREAS, defendants DAVID BETHELMY, SHENELLE BETHELMY and JANELL P. BETHELMY agree to the dismissal, with prejudice, of all cross-claims brought against the City of New York, or any agency thereof, on this action;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice.

Spencer A. Leeds
Attorney for Plaintiffs
Spencer A. Leeds, Esq.
26 Court Street, Ste 2100
Brooklyn, NY 11242

Dated May 29, 2011

By: *SA Leeds*
Spencer A. Leeds, Esq.
Attorney for Plaintiff

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
*Attorney for City of New York, Kelly, Smith,
Daughtry, Mehmood, Guthrie, Hardman,
DeGennaro, Cundari, and Kall*
100 Church Street, Rm. 3-168
New York, New York 10007
(212) 788-1300

Dated 6/15/12
By: *Joseph A. Marutollo*
Joseph A. Marutollo
Assistant Corporation Counsel

Herbert Marek, Esq.
THE WALISEVER FIRM LLP
305 Broadway, 14th Floor
New York, NY 10007
*Attorneys for Defendants David Bethelmy,
Sheneille Bethelmy, and Janell P. Bethelmy*

Dated 6/14/12
Herbert Marek
Herbert Marek, Esq.

SO ORDERED:

s/KAM

Dated: June 18, 2012

Brooklyn, New York

HON. KIYO A. MATSUMOTO
HON. KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE